

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JUSTIN SATHUE,

Plaintiff,

v.

DECISION AND ORDER
14-CV-643S

CHEX SYSTEMS INCORPORATED,

Defendant.

Plaintiff Justin Sathue has moved for appointment of counsel. (Docket No. 13.)

Civil litigants, unlike criminal defendants, do not have a constitutional right to the appointment of counsel. But a court may request that an attorney represent any person unable to afford counsel. 28 U.S.C. § 1915(e)(1). “In deciding whether to appoint counsel, . . . the [court] should first determine whether the indigent’s position seems likely to be of substance.” Hodge v. Police Officers, 802 F.2d 58, 60-62 (2d Cir. 1986). If so, the court should then consider other criteria “such as the factual and legal complexity of the case, the ability of the litigant to navigate the legal minefield unassisted, and any other reason why in the particular case appointment of counsel would more probably lead to a just resolution of the dispute.” Carmona v. U.S. Bureau of Prisons, 243 F.3d 629, 632 (2d Cir. 2001) (citing Hodge, 802 F.2d at 61-62).

Here, at this early stage, this Court cannot determine whether Plaintiff’s case is likely to be of substance. Plaintiff’s Motion for Appointment of Counsel is therefore denied without prejudice.

IT HEREBY IS ORDERED, that Plaintiff’s Motion for Appointment of Counsel

(Docket No. 13) is DENIED WITHOUT PREJUDICE at this time.

SO ORDERED.

Dated: October 3, 2014
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court